

November 5, 2021

VIA ECF

The Honorable Alex G. Tse
San Francisco Courthouse, Courtroom A – 15th Floor
450 Golden Gate Avenue, San Francisco CA 94102

Re: *Elasticsearch, Inc. et al. v. floragunn GmbH (No. 4:19-cv-05553-YGR): Saly Sanctions Motion*

Your Honor:

Pursuant to the Court’s October 6, 2021 Order (Dkt. 208), Plaintiffs Elasticsearch, Inc. and elasticsearch B.V. (collectively, “Elastic”) has completed its deposition of Jochen Kressin, the co-CEO of Defendant floragunn GmbH (“floragunn”). On November 4, 2021, the parties met and conferred through counsel to address Elastic’s pending motion for sanctions (Dkt. 101-3). In light of the record as supplemented by Mr. Kressin’s recent deposition and floragunn’s production pursuant to the Court’s August 17, 2021 Order (Dkt. 136), and the Court’s order of July 9, 2021 (Dkt. 121) permitting Elastic to “further develop the record with respect to the unavailability and recent termination of floragunn’s Chief Technology Officer Hendrik Saly”, Elastic seeks the Court’s leave to submit a joint discovery letter to the Court. floragunn does not oppose Elastic’s request, and the parties have agreed that, subject to the Court’s approval, the joint letter shall be no longer than 8 pages total (4 pages each), limited to issues and evidence that have arisen on or after May 21, 2021, and be filed by November 12, 2021. The parties note that their pretrial conference statement is due January 28, 2022.

DAVID R. EBERHART
JAMES K. ROTHSTEIN
DANIEL H. LEIGH
O’MELVENY & MYERS LLP

V. DAVID RIVKIN
JUSTIN LEE
MICHAEL SENZER
WUERSCH & GERING LLP

MICHAEL S. KWUN
KWUN BHANSALI LAZARUS LLP

By: /s/ David R. Eberhart
David R. Eberhart

By: /s/ David Rivkin
V. David Rivkin

Attorneys for Plaintiffs
ELASTICSEARCH, INC. and
ELASTICSEARCH B.V.

Attorneys for Defendant
FLORAGUNN GmbH

ATTESTATION

Pursuant to Civil Local Rule 5-1(h)(3), I hereby attest that concurrence in the filing of this document has been obtained from floragunn GmbH's counsel with conformed signatures above.

/s/ David R. Eberhart

David R. Eberhart